

189A.090 Operating motor vehicle while license is revoked or suspended for driving under the influence prohibited -- Operating motor vehicle without required ignition interlock license prohibited -- Penalties.

- (1) No person shall operate or be in physical control of a motor vehicle while his or her license is revoked or suspended under this chapter, or upon the conclusion of a license revocation period pursuant to KRS 189A.340 unless the person has his or her valid ignition interlock license in the person's possession and the motor vehicle or motorcycle is equipped with a functioning ignition interlock device as required by KRS 189A.420.
- (2) In addition to any other penalty imposed by the court, any person who violates subsection (1) of this section shall:
 - (a) For a first offense within a ten (10) year period, be guilty of a Class B misdemeanor and have his license revoked by the court for six (6) months, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class A misdemeanor and have his license revoked by the court for a period of one (1) year;
 - (b) For a second offense within a ten (10) year period, be guilty of a Class A misdemeanor and have his license revoked by the court for one (1) year, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of two (2) years;
 - (c) For a third or subsequent offense within a ten (10) year period, be guilty of a Class D felony and have his license revoked by the court for two (2) years, unless at the time of the offense the person was also operating or in physical control of a motor vehicle in violation of KRS 189A.010(1)(a), (b), (c), (d), or (e), in which event he shall be guilty of a Class D felony and have his license revoked by the court for a period of five (5) years; and
 - (d) At the sole discretion of the court, in the interest of public safety and upon a written finding in the record for good cause shown, the court may order that, following any period of incarceration required for the conviction of an offense under paragraph (a), (b), or (c) of this subsection, the eligible person is authorized to apply for and the cabinet shall issue to the person an ignition interlock license for the remainder of the original period of suspension or revocation and for the entire period of the new revocation if the person is and remains otherwise eligible for such license.
- (3) The ten (10) year period under this section shall be measured in the same manner as in KRS 189A.070.
- (4) Upon a finding of a violation of any of the requirements of an ignition interlock license, the court shall dissolve such an order and the person shall receive no credit toward the remaining period of revocation required under subsection (2)(b) or (c) of this section.

Effective: April 9, 2016

History: Amended 2016 Ky. Acts ch. 85, sec. 3, effective April 9, 2016. -- Amended 2015 Ky. Acts ch. 124, sec. 4, effective June 24, 2015. -- Amended 2010 Ky. Acts ch. 149, sec. 22, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 171, sec. 3, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 467, sec. 7, effective October 1, 2000. -- Amended 1991 1st Extra. Sess. Acts ch. 15, sec. 22, effective July 1, 1991. -- Created 1984 Ky. Acts ch. 165, sec. 9, effective July 13, 1984.

Legislative Research Commission Note (4/9/2016). 2016 Ky. Acts ch. 85, sec. 10 provided that that Act shall be known as the Brianna Taylor Act. This statute was amended in Section 3 of that Act.